

REMARKS

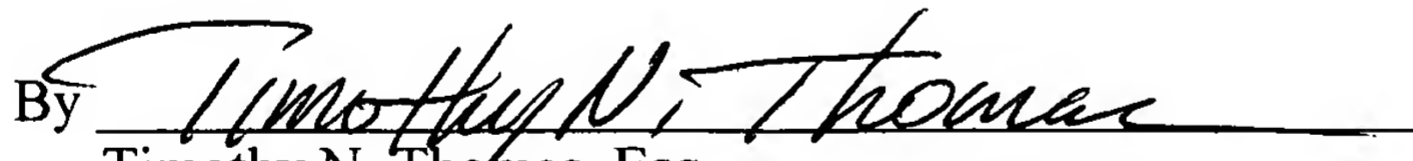
In the Office Action mailed October 5, 2005, the Office requires restriction as to invention I (claims 1-28, 85-91, drawn to an implant material), invention II (claims 29-56, 92-100, drawn to a method of implanting a disc implant in disc nucleus) and invention III (claims 57-84, drawn to plugging an intervertebral disc annulus hole with an implant). The Office also requires the election of a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held allowable.

Applicants hereby elect invention II (claims 29-56, 92-100, drawn to a method of implanting a disc implant in disc nucleus). Applicants also elect Species VIII, which is shown in Figs. 24-26. Claims 29-31, 33-38, and 44-49 are believed to read on the elected species.

Claims 1-28 and 57-91 have been withdrawn as being directed to a non-elected invention. Claims 29-56 and 92-100 remain pending in the application.

Favorable consideration of the application is respectfully requested.

Respectfully submitted,

By 
Timothy N. Thomas, Esq.,
Reg. No. 35,714
Woodard, Emhardt, Moriarty, McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137
(317) 634-3456 Telephone
(317) 637-7561 Facsimile

Attorney for Applicants